

By: Shaheen

H.B. No. 764

A BILL TO BE ENTITLED

AN ACT

relating to civil liability of a local government for failure to comply with an immigration detainer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 101, Civil Practice and Remedies Code, is amended by adding Section 101.0216 to read as follows:

Sec. 101.0216. LIABILITY OF LOCAL GOVERNMENT FOR FAILURE TO COMPLY WITH IMMIGRATION DETAINER. (a) In this section, "local government" means a county, municipality, or political subdivision of this state.

(b) A local government that releases from custody a person who is the subject of an immigration detainer issued by United States Immigration and Customs Enforcement is liable for damages resulting from a felony committed by the person in this state within four years following the person's release.

(c) This section does not create liability for damages sustained by a person who is subject to an immigration detainer following the person's release by a local government.

SECTION 2. The change in law made by this Act applies only with respect to the release of a person from custody on or after the effective date of this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2017.